

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

SUSAN STURDIVANT,)
Plaintiff,)
v.) Case No. CIV-10-277-L
MICHAEL J. ASTRUE,)
Commissioner of Social Security)
Administration,)
Defendant.)

O R D E R

On April 22, 2011, Magistrate Judge Gary M. Purcell entered a Report and Recommendation in this action brought by plaintiff pursuant to 42 U.S.C. §405(g) for judicial review of the defendant Commissioner of the Social Security Administration's (Commissioner's) final decision denying plaintiff's application for disability insurance under Title II of the Social Security Act, 42 U.S.C. §§ 416(i), 423. The Magistrate Judge recommended that the Commissioner's decision be affirmed.

The court file reflects that, after receiving an extension, plaintiff timely filed her Objections to Magistrate's Report and Recommendation, which the court has carefully considered. Plaintiff first asserts that the official record does not

contain all submitted medical records and is therefore incomplete. Secondly, plaintiff also argues that the Magistrate Judge's finding that the Administrative Law Judge's decision complies with Social Security Ruling 82-62 is in error.¹

The court has reviewed plaintiff's objections as they relate to alleged errors in the Report and Recommendation. Although it is clear that the plaintiff disagrees with the two conclusions of the Magistrate Judge identified above, the court finds that plaintiff's arguments were correctly analyzed under proper legal standards and the findings in the Report and Recommendation are supported by the record. The Magistrate Judge properly found that plaintiff had failed to demonstrate how the documents were material to her case or to show good cause for the failure to incorporate the evidence during a prior proceeding. The Magistrate Judge was also correct in concluding that Administrative Law Judge's apparent error in the initial step four finding does not warrant reversal or remand under the circumstances.

Thus, upon *de novo* review, the court finds that the the Report and Recommendation should be and is hereby adopted in its entirety. The Magistrate Judge properly concluded that the decision of the Commissioner to deny plaintiff's application for benefits should be affirmed.

¹ Plaintiff did not object to the Magistrate Judge's conclusion that the ALJ's credibility determination was well supported by the record.

Accordingly, the decision of the Commissioner to deny plaintiff's application for disability insurance is **AFFIRMED**.

It is so ordered this 28 day of June, 2011.

Tim Leonard
TIM LEONARD
United States District Judge